The SOCIAL AND POLITICAL DOCTRINES OF CONTEMPORARY EUROPE

BY

MICHAEL OAKESHOTT

WITH A FOREWORD BY

ERNEST BARKER

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WITH FIVE PREFACES BY

FREDERIC A. OGG

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NATIONAL SOCIALISM

If the Italian Fascists first drove to power, and only afterwards provided themselves with a philosophy, it was far otherwise with the National Socialists of Germany. As early as 1920—more than thirteen years before Hitler achieved the chancellorship, and at a time when the recently created *Nationalsozialistische deutsche Arbeiter Partei* hardly reached beyond the bounds of Bavaria—Gottfried Feder, upon whom Hitler leaned heavily for advice on economic matters, drew up, and the party in mass meeting adopted, the Twenty-five Points, very properly presented by Mr Oakeshott as his first selection in the group that follows. As a glance will reveal, the document is not a reasoned statement of political and social theory, but rather an enumeration of objectives—a program couched in the form of a series of categorical "We demands". From it, however, can be obtained a very good idea of basic National Socialist concepts. So firmly, indeed, was it grounded on the characteristic and enduring Nazi ideology that in 1926 it was declared unalterable; and notwithstanding its vagueness at numerous points, its manifest incongruities and inconsistencies, and the new twists imparted to it as the National Socialist movement advanced through later stages, the manifesto remains to this day the accepted official platform of the party.

Five years afterwards, Hitler, emerging from imprisonment in the fortress of Landsberg to which he had been condemned after the abortive Beer-hall *Putsch* of 1923, brought forth with him large portions of *Mein Kampf*, of which the first volume was published in 1925 and the second in 1927. In effect, the book was a commentary on the Twenty-five Points—the first in a long series of such commentaries by various writers, although, because of its authorship, by far the most important and influential. Mr Oakeshott found it impossible to secure permission to reproduce portions of the volume in his selections given below; hence he offers only (pp. 197–205) "some notes" undertaking to summarize the doctrines set forth. For English readers, however, an abridged translation, prepared by E. T. S. Dugdale, was published at London in 1933 under the title of *My Battle*; and, the volume growing in world-wide interest as the Nazi régime took on greater significance, in 1939 a "definitive and unexpurgated" annotated translation, under the editorial sponsorship of a group of capable

American scholars, was published at New York under the original title of *Mein Kampf* (Reynal and Hitchcock). This last-mentioned edition is easily available to American students, and every reader of the following section of the present book should resort to it.

Readers of *Mein Kampf* will, however, search the huge volume in vain for any systematic presentation of National Socialist doctrine. In his preface, Hitler, while acknowledging that "the basic elements of a doctrine" require to be "set down in some permanent form", disclaims intention to do more than describe "the object of our movement" and "draw a picture of its development"—from which, he adds, "more can be learned than from any purely doctrinary treatise." This intent of the author, together with his manifest lack of literary skill and his decidedly emotional bent, results in a loosely written, repetitious, bombastic book—"a propagandistic essay by a violent partisan", often distorting historical truth and sometimes ignoring it altogether. Persons who read German will find a far more orderly presentation of the National Socialist philosophy in the as yet untranslated *Der Mythus des 20. Jahrhunderts* of Alfred Rosenberg, who has been termed the high priest of Nazi ideology; and Mr Oakeshott presents a few significant quotations from that writer. It is from *Mein Kampf*, however, that millions of Germans and non-Germans alike have drawn most of what they know about National Socialist doctrine as expounded by its authors.

The remainder of Mr Oakeshott's materials are drawn chiefly from legislation emanating, under provision of the famous Enabling Act of March 24, 1933 (see pp. 224–225 below), from the *Reich* cabinet, and dealing with such important matters as racial relations, citizenship, labor, land tenure and inheritance, the administration of justice, the Hitler Youth, and the status of the party. For students of theory, the documents are valuable mainly as reflecting points of view, objectives, and approaches.

Further special references include: K. Heiden, *A History of National Socialism* (1936); F. L. Schuman, "The Political Theory of German Fascism", *Amer Polit. Sci. Rev.*, Apr., 1934; L. Preuss, "Racial Theory and National Socialist Political Thought", *Southwestern Soc. Sci. Quar.*, Sept., 1934; and *The Nazi Primer* (1938).

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The doctrine of National Socialism is many-sided rather than systematic; and although there is no lack of information, official and unofficial, on the subject, few of the authoritative documents have been translated into English. The extracts I have printed from the programme of the National Socialist German Workers' Party and from recent German legislation need no explanation; they illustrate most of the important aspects of National Socialist doctrine. But beyond these, there are two works of a different character which are essential to the understanding of National Socialism: Hitler's *Mein Kampf* (volume I, 1925; volume II, 1927) and Alfred Rosenberg's *Der Mythus des 20. Jahrhunderts* (1930). The second of these works has never been translated into English and in consequence we have a restricted understanding of National Socialism. But the author and publishers have given permission for the reproduction here of a few passages from it. These passages are not designed to give an impression of the work as a whole, which would be impossible in a short space (it is a long and intricate study), but merely to illustrate a particular aspect of National Socialist doctrine. Hitler's work has sold in Germany by the hundred thousand, and it is scarcely an exaggeration to say that no German home is complete without it. A greatly abridged and expurgated version of it has appeared in English, but this translation is bad and it contained none of the important statements of doctrine and consequently has been useless for my purpose. I had hoped to include a translation of the more important doctrinal passages from *Mein Kampf*,[1] but since, in the end, it has proved impossible to obtain permission for this, I have had to substitute a brief account in my own words of what appear to be Hitler's fundamental beliefs. This is a most regrettable departure from my plan of printing nothing but original and authoritative statements, but it is a departure which is unavoidable.

[1] Vol. I, ch. 11; vol. II, chs. 1, 2, 4.

§ 1. HITLER: THE TWENTY-FIVE POINTS[1]

The programme of the German Workers' Party is limited as to period. The leaders have no intention, once the aims announced in it have been achieved, of setting up fresh ones, so as to ensure the continued existence of the Party by the artificially increased discontent of the masses.

1. We demand, on the basis of the right of national self-determination, the union of all Germans to form one Great Germany.

2. We demand juridical equality for the German people in its dealings with other nations, and the abolition of the Peace Treaties of Versailles and St Germain.

3. We demand territory and soil (colonies) for the nourishment of our people and for settling our surplus population.

4. None but members of the nation may be citizens of the State. None but those of German blood, whatever their creed, may be members of the nation. No Jew, therefore, may be considered a member of the nation.

5. Anyone who is not a citizen of the State may live in Germany only as a guest and must be regarded as subject to the laws governing aliens.

6. The right to determine the leadership and laws of the State is to be enjoyed by the citizens of the State alone. We demand, therefore, that all official appointments of whatever kind, whether in the Reich, in the one or other of the federal states, or in the municipalities, shall be held by citizens of the State alone.

We oppose the corrupt Parliamentary custom of filling public offices merely with a view to party considerations, and without reference to character or capacity.

7. We demand that the State shall make it one of its chief duties to provide work and the means of livelihood for the citizens of the State. If it is not possible to provide for the entire population living within the confines of the State, foreign nationals (non-citizens of the State) must be excluded (expatriated).

[1] The National Socialist German Workers' Party announced their programme in these Twenty-Five Points at a mass-meeting of the Party in the Hofbrauhausfestsaal in Munich, on 25 February 1920.

8. All further non-German immigration must be prevented. We demand that all non-Germans who have entered Germany subsequently to 2 August 1914 shall be required forthwith to depart from the Reich.

9. All citizens of the State shall be equal as regards rights and duties.

10. It must be the first duty of every citizen of the State to work with his mind or with his body. The activities of the individual must not clash with the interests of the whole, but must be pursued within the framework of the national activity and must be for the general good.

11. We demand, therefore, the abolition of incomes unearned by work, and emancipation from the slavery of interest charges.

12. Because of the enormous sacrifice of life and property demanded of a nation by every war, personal profit through war must be regarded as a crime against the nation. We demand, therefore, the complete confiscation of all war profits.

13. We demand the nationalization of all business combines (trusts).

14. We demand that the great industries shall be organized on a profit-sharing basis.

15. We demand an extensive development of provision for old age.

16. We demand the creation and maintenance of a healthy middle class; the immediate communalization of the big department stores and the lease of the various departments at a low rate to small traders, and that the greatest consideration shall be shown to all small traders supplying goods to the State, the federal states or the municipalities.

17. We demand a programme of land reform suitable to our national requirements, the enactment of a law for confiscation without compensation of land for communal purposes, the abolition of ground rents, and the prohibition of all speculation in land.[1]

18. We demand a ruthless campaign against all whose activities are injurious to the common interest. Oppressors of the nation, usurers, profiteers, etc., must be punished with death, whatever their creed or race.

19. We demand that the Roman Code, which serves the materialistic world order, shall be replaced by a system of German Common Law.

[1] "It is necessary to reply to the false interpretation on the part of our opponents of Point 17 of the programme of the N.S.D.A.P. Since the N.S.D.A.P. admits the principle of private property, it is obvious that the expression 'confiscation without compensation' merely refers to possible legal powers to confiscate, if necessary, land illegally acquired, or not administered in accordance with the national welfare. It is directed in the first instance against Jewish companies which speculate in land." Adolf Hitler, Munich, 13 April 1928.

20. The State must undertake a thorough reconstruction of our national system of education, with the aim of giving to every capable and industrious German the benefits of a higher education and therewith the capacity to take his place in the leadership of the nation. The curricula of all educational establishments must be brought into line with the necessities of practical life. With the first dawn of intelligence, the schools must aim at teaching the pupil to know what the State stands for (instruction in citizenship). We demand educational facilities for specially gifted children of poor parents, whatever their class or occupation, at the expense of the State.

21. The State must concern itself with raising the standard of health in the nation by exercising its guardianship over mothers and infants, by prohibiting child labour, and by increasing bodily efficiency by legally obligatory gymnastics and sports, and by the extensive support of clubs engaged in the physical training of the young.

22. We demand the abolition of a paid army and the foundation of a national army.

23. We demand legal measures against intentional political lies and their dissemination in the Press. In order to facilitate the creation of a German national Press, we demand:

(*a*) that all editors of newspapers and all contributors, employing the German language, shall be members of the nation;

(*b*) that special permission from the State shall be necessary before non-German newspapers may appear. These must not be printed in the German language;

(*c*) that non-Germans shall be prohibited by law from participation financially in, or from influencing German newspapers, and that the penalty for contravention of this law shall be suppression of any such newspaper and the immediate deportation of the non-German concerned in it.

It must be forbidden to publish newspapers which do not conduce to the national welfare. We demand the legal prosecution of all tendencies in art and literature of a kind calculated to disintegrate our national life, and the suppression of institutions which militate against the above-mentioned requirements.

24. We demand liberty for all religious denominations in the State, in so far as they are not a danger to it and do not militate against the moral sense of the German race.

The Party, as such, stands for a positive Christianity,[1] but does not bind itself in the matter of creed to any particular confession. It is strenuously opposed to the Jewish-materialist spirit within and without the Party, and is convinced that our nation can only achieve permanent well-being from within on the principle of placing the common interests before self-interest.

25. That all the foregoing demands may be realized, we demand the creation of a strong central power of the Reich; the unconditional authority of the central Parliament over the entire Reich and its organization; the formation of Diets and vocational Chambers for the purpose of administering in the various federal States the general laws promulgated by the Reich.

The leaders of the Party swear to proceed regardless of consequences —if necessary to sacrifice their lives—in securing the fulfilment of the foregoing points.

Munich, 24 February 1920

§ 2. THE POLITICAL AND ECONOMIC PROGRAMME OF THE N.S.D.A.P.[2]

Questions of Programme do not concern the Council of Administration; the Programme is fixed and I shall never suffer changes in the principles of the movement as laid down in its Programme.

Hitler, 31 August 1927

Our aim is—Germany's rebirth in the German spirit to German liberty. The means to this end are:

I. The political axiom: The German Reich is the home of the Germans.

[1] Cp. the following passages from *Der Mythus des* 20. *Jahrhunderts*, by A. Rosenberg. "Goethe considered Christ's life important, not his death, and represented in this way the soul of the Germanic Occident, positive Christianity as opposed to the negative Christianity of the dominations of priests and of the belief in witches, both going back to Etrusco-Asiatic conceptions. . . . Negative Christianity (Roman Catholicism, and, in a lesser degree, Protestantism) emphasizes its Syriac-Etruscan tradition, abstract dogmas and old sacred customs, positive Christianity recalls to life the forces of the nordic blood." Pp. 78–79.

[2] "Our constitutional law is based upon the National Socialist *Weltanschauung* and is expressed in the general order of the Nation (*Volksordnung*). So far as this general order is formulated in propositions, legal principles or programmatical statements, the supreme constitutional foundation of the Third Reich is laid down in the Party programme." *Beamtenkalender*, 1937.

(*a*) *In foreign policy:*

1. Formation of a closed national state, embracing all the German race.
2. Energetic representation of German interests abroad.

(*b*) *In racial policy:*

3. Dismissal of all Jews and non-Germans from all responsible positions in public life.
4. Prevention of immigration of Eastern Jews and other parasitic foreigners. Undesirable aliens and Jews may be deported.

(*c*) *In internal policy:*

5. None but Germans who profess entire community with the culture and destiny of Germany may exercise the rights of a citizen of the State.
6. He who is not a German may live in the German State only as a guest and subject to the laws governing aliens.
7. The rights of Germans shall have preference over those of citizens of foreign nations.

II. Our economic principle: The duty of the State is to provide the necessaries of life and not to secure the highest possible rate of interest for capital.

8. National socialism recognizes private property in principle and gives it the protection of the State.
9. The national welfare, however, demands that a limit shall be set to the amassing of wealth in the hands of individuals.
10. All Germans form a working community for the promotion of the general welfare and culture.
11. Within the limits of the obligation of every German to work, and the fundamental recognition of private property, every German is free to earn his living and to dispose of the results of his labour.
12. The healthy combination of all forms of business, small and large, in every domain of economic life, including agriculture, shall be encouraged.
13. All existing businesses which until now have been in the form of trusts shall be nationalized.

14. Usury and profiteering and personal enrichment at the expense of, or to the injury of the nation shall be punished with death.
15. Introduction of a year's obligation to work (for the State), incumbent upon all Germans.

III. Our financial principle: Finance shall exist for the benefit of the State; the financial magnates shall not form a state within the State. Hence our aim is to abolish the slavery of interest charges.

16. Relief of the State, and hence of the nation, from its indebtedness to the great financial houses which lend money on interest.
17. Nationalization of the Reichsbank and the issuing houses.
18. Provision of money for all great public objects (water-power, communications, etc.), not by means of loans, but by granting non-interest bearing State bonds.
19. Introduction of a fixed standard of currency on a secured basis.
20. Creation of a communal building and agricultural bank for granting non-interest bearing loans.
21. Fundamental remodelling of the system of taxation on social-economic principles. Relief of the consumer from the burden of indirect taxation, and of the producer from crippling taxation.

IV. Our social-political principle: The general welfare is the supreme law.

22. Development on a large scale of Old Age insurance by nationalizing the system of annuities. Every necessitous member of the German State shall be assured of an adequate income on attaining a certain age, or, if permanently disabled, before that age.
23. Participation by all engaged in production and value-creating enterprises in the profits of the enterprise, all being jointly responsible for the fulfilment of the national economic obligations of the enterprise.
24. Seizure of all profits made out of the War and the Revolution not due to honest work, and of the fortunes of usurers and money-grabbers, and their application to the extension of social services.

25. Relief of the housing shortage by extensive fresh construction of dwelling houses throughout the Reich by the means suggested in No. 20.

V. Cultural policy: Our highest cultural aim is that all the sciences and fine arts shall flourish on the basis of a politically free, economically healthy State. The means of achieving this will be:

26. Training of the young to become physically sound and intellectually free human beings, in accordance with the great traditions of German culture.
27. Complete liberty of creed and conscience.
28. Special protection for the Christian denominations.
29. Suppression and discouragement of dogmas which are opposed to the German moral sense and are injurious to the State and nation.
30. Suppression of all evil influences in the Press, in literature, on the stage, in the arts and in the picture theatres.
31. Liberty of instruction in the German secondary schools; and the formation of a class of leaders of men of high character.

VI. Military affairs:

32. To make the nation efficient in defence by granting every free German the right to bear arms.
33. Abolition of mercenary troops.
34. Creation of a national army for home defence under the command of a strictly disciplined corps of professional officers.

VII. Other reforms:

35. Press reform. Suppression of all printed matter which offends the dignity of the German people. Strict responsibility for all untruthful and intentionally distorted news.
36. Modification of the franchise so as to eliminate the demoralizing methods of electoral contests, and the irresponsibility (immunity) of those elected.
37. Formation of special Chambers for trades and professions.
38. Judicial reform as regards:
(*a*) Land Laws. Recognition in principle of the rights of property in land; the owner may not borrow from private sources on the security of the land; the State to have the right

of pre-emption, especially in the case of land owned by foreigners and Jews; the State to be empowered to administer estates in the event of bad management on the part of the owner.

(*b*) Civil Law. Greatly increased protection for personal honour and health, as opposed to the one-sided legal protection of the rights of property, which at present predominates.

39. Constitutional reform. The form of the State most suited to the German character is sovereign control concentrated in a supreme head. Whether this central power shall be wielded by an elected monarch or a President must be left to the decision of the nation.

Federal character of the Reich. The constitution of the German nation, consisting as it does of a number of communities closely bound together by race and history, makes it necessary that each of the States shall enjoy the most comprehensive independence in internal affairs.

It is the function of the Reich to represent the German nation abroad, and to provide for passports and customs, and for the Army and Navy.

Drawn up for the Party by Gottfried Feder (1920)

§ 3. SOME NOTES ON THE DOCTRINES OF *MEIN KAMPF*

The most important statements of the fundamental National Socialist doctrine with regard to society and the state which appear in Hitler's work, *Mein Kampf*, are contained in four chapters devoted respectively to the exposition of (i) his conception of Race, (ii) his conception of *Volk* and *völkisch* as a political creed, (iii) his conception of society and the state, and (iv) his conception of individuality and leadership. Only Hitler's own words can give a true impression of both the force and the confusion of his ideas on these subjects. But since these ideas are the essence of National Socialism, and this book is (together with Alfred Rosenberg's work, *Der Mythus des* 20. *Jahrhunderts*) the only authoritative statement of the doctrine, some account of them must be attempted even if we are unable to reproduce extensively the words of the *Führer*.

(i) The whole doctrine of National Socialism appears, for Hitler, to be a superstructure built upon the foundation of what he calls the "iron logic of Nature". Others have sought to found National Socialism on the alleged chaos, political and economic, of contemporary Western Europe: they represent it as, primarily, an answer to a contemporary situation. But with Hitler this is not so; for him the true foundation is the law of Nature which decrees "the internal exclusiveness of the species of all living beings upon earth", which decrees that "each beast mates only with a companion of the same species". The argument by means of which we pass from this "obvious truth" to the more complex and sophisticated truths of National Socialist society is, in places, obscure; but it appears to run on these lines. Each beast normally mates with a companion of its own species; but when this is not so (in abnormal circumstances) Nature resists by endowing the offspring with inferior strength and inferior powers of reproduction. This observation leads to the conclusion that the purest stock is always the strongest, and the strongest always the most pure. Both the crossing of species and the mating of "two creatures of unequal stock" produce inferior offspring. But Nature's will is the continuous improvement of all life, and consequently her law is the continuous victory of the stronger species over the weaker species, the stronger elements of a stock over the weaker, the stronger race over the weaker race. All crossing of species, stocks or races results in weakness; so the law of Nature is against the contamination of species, stocks and races.

Out of this chaos of species, stocks and races rises the first principle of National Socialism: racial purity. The will of Nature is to preserve rigidly the distinction and differentiation of races; and the first duty of man is to co-operate with Nature, to behave in accordance with Nature's Will. The duty of man is not to try to conquer, change or moralize Nature, but simply to obey it.

The second principle and the second duty follow hard upon the first. The distinction of races does not imply the equality of races; indeed, there is no such equality. Some races are higher and others lower. And besides preserving the differentiation of races (their purity and exclusiveness) we are bound to promote the dominance in the world of the higher races, of the highest race, the Aryan race. The belief that the Aryan race is the highest and most valuable race of mankind appears, in Hitler's mind, to be founded upon the belief that "all we can see to-day in human culture, the achievement of art, science and technique,

is almost exclusively the creative product of the Aryan". Everywhere the Aryan race, and that race alone, has been the creator and bearer of civilization. Having established the superiority of the Aryan race, the condition on which that superiority can be maintained is clear—the preservation of its purity. Its strength, like that of every race, lies in its purity; and since to mix it with other races is, *ex hypothesi*, to mix it with what is inferior, the offspring of such a mixture must be less and less able to carry on the civilizing mission of the Aryan race. The disappearance or degeneration of the Aryan race would "lower again the dark cloak of a cultureless age over the terrestrial globe"; the preservation of the Aryan race from contamination is the one way of preventing civilization and "the beauty of the world" from "sinking into the grave".

The root principles, then, of National Socialism, from which spring its rules of conduct, its laws and its institutions, are, first, the natural principle of the distinction of races and its corollary, the necessity of preserving the purity of each race; and secondly, the historical principle of the inequality of races and the superiority of the Aryan race over all others.

Of the many conclusions that are drawn from these principles we may notice two. First, it follows that the "pacifist-humanist" (liberal) ideal, the ideal which looked forward to the cessation of the struggle of man against man, class against class and people against people, is a false ideal. Not only does it hold out a false hope, the hope of peace not based upon conquest and force, but it rests upon a mistaken analysis of the fundamental conflicting elements in history. Its hope is false, because the law of nature is war and struggle and the victory of the strongest. Its analysis is mistaken because history is not composed of the struggle of class against class but of race against race. Liberalism is error because its thought lacks a racial orientation. And secondly, it follows that, just as for Communism the self-consciousness of the individual is essentially a class-consciousness, so for National Socialism the true consciousness of self is a race-consciousness. The foundation of personality is "racial sense and racial feeling".

It is, perhaps, worth noticing that these doctrines with regard to race are those which lie at the root of what Alfred Rosenberg calls the "religion" of the twentieth century. In Rosenberg's book, *Der Mythus des 20. Jahrhunderts*, they are explained with a lucidity and a wealth of historical and imaginative detail not to be found in *Mein*

Kampf. A few quotations will serve to show the tendency of the doctrine. First, the conception of race itself, and the new racial conception of history and civilization.

> History and vocation no longer consist in struggle of class against class, church dogma against dogma, but in struggle between blood and blood, race and race, people and people. And this means: values of soul fight against values of soul. That history must be judged from the point of view of race is a truth that will soon be self-understood. . . . But the values of the *soul* of race, which are the motive powers behind the new philosophy, are not yet part of actual general knowledge. Now soul means race seen from within. Conversely, race is the outside of a soul. To call to life the soul of race is to recognize its supreme value and, under its guidance, to give the other values their organic position: in the state, art and religion. This is the task of our century: to create a new type of man out of a new myth of life. . . . (pp. 1–2.)
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> Each race has its soul, each soul its race, its own internal and external architecture. . . . Each race ultimately produces one supreme ideal only. If this ideal is altered or even dethroned by other systems of breeding, by a prevalent infiltration of foreign blood and foreign ideas, the consequence of this internal alteration comes to external expression in a chaos, in epochs of catastrophe. . . . (p. 116.)

And secondly, the superiority of the Aryan race.

> However much may still be doubtful . . . the result of research will not alter this great fact that the "sense of the history of the world" went over the whole earth from the North, carried by a race with blond hair and blue eyes, a race which in several big waves determined the spiritual face of the world, determined it even where it had to perish. . . . (p. 28.)
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> To-day a new belief arises: the myth of blood, the belief that in defending blood we defend the divine nature of man; the belief, embodied in clearest knowledge, that nordic blood is that mysterium which has replaced and conquered the old sacraments. . . . Aryan India gave the world a metaphysics deeper than any other up to our time; Aryan Persia produced the religious myth on whose force we all feast even to-day; Doric Hellas dreamed a beauty in this world whose perfection, lying before us and resting in itself, was never again attained; Italian Rome showed us the formal state's discipline as an example of how a community menaced in its human values must frame and defend itself. And Germanic Europe gave the world the most wonderful idea of mankind, in the doctrine of the value of character as basis of all morals, in the hymn about the supreme values of nordic nature, the idea of freedom of conscience and honour. . . . (p. 114.)
>
> In the midst of the most terrible collapse the old nordic soul of race wakes up to new, higher consciousness. It sees at last that different—of necessity mutually exclusive—supreme values must not co-exist with equal rights. . . . It sees that what is related to its soul and race may be fitted in, but that the

foreign must be ruthlessly rejected and, if need be, fought down. Not because it is "wrong" or "bad" in itself, but because it is foreign to the kind and destroys the internal construction of our nature. . . . (p. 118.)

(ii) When these beliefs about race and civilization are put together they make what Hitler calls a *völkisch* philosophy of life; that is, a view of the world and human destiny governed by the notion of race and the belief in the superiority of the Aryan. It is admitted that the words *Volk* and *völkisch* are ill-defined, and the foreigner will have difficulty in discovering their precise meaning. In their place in the National Socialist doctrine they appear to combine the conceptions of race and nation: the *völkisch* philosophy is a racialist-nationalist philosophy; the nation conceived as a racial unit, the race conceived as an organized political entity and the individual conceived as a member of a racial, national community. But whatever difficulty there may be in this *völkisch* conception, the primary tenet of this philosophy of life is unambiguous: everything is a means to one end, "the preservation of the racial existence of man". The "racial existence of man" is Nature's primary concern, and it must be the primary concern of man in his rules of conduct, laws and institutions. The significance of man lies in his "racial fundamentals".

Now, this *völkisch* philosophy of life is opposed to the interpretation of the world and of the history of mankind current in Western Europe to-day. That interpretation fails to appreciate the "basic racial forces", denies or forgets that some races are higher and more valuable than others, and advocates a pacifist-internationalism in which the true values of life are lost or destroyed. This has resulted in an undermining of the security of human culture by the contamination and destruction of its bearers. National Socialism, then, with its *völkisch* philosophy, is a protest against the degeneration of the contemporary world. And since this degeneration is a fact and the interpretation of the world which has led to it is an organized doctrine with force and power behind it, the *völkisch* philosophy also must organize itself. A vague, indeterminate philosophy, whatever its truth, will perish if it lacks a "fighting representation". The first business of the believers in this philosophy is to formulate it definitely and in the simplest terms, so that it can be understood and believed by all; and their second business is to give it a "concrete organization", a "fighting representation". First it must be made the "dogma of a religious creed", and then it must be provided with "a fighting organization in the form of military power". These

two services have been performed for the *völkisch* philosophy of life by the National Socialist German Workers' Party (N.S.D.A.P.). The programme of the party is the definite formulation of the philosophy, and the organization of the party is the "fighting representation" of the philosophy. "The National Socialist German Workers' Party takes over the essential characteristics of the fundamental train of thought of a general *völkisch* view of the world. From them, keeping in mind the practical reality of the time and of the actual human material, as well as of its weakness, it creates the precondition for the fight of this philosophy of life to a victorious conclusion." "Any philosophy of life, be it a thousand times right and of the highest utility to mankind, will remain without significance for the practical shaping of the life of a people so long as its principles do not become the banner of a fighting movement. This movement will in its turn be a party, so long as its activity has not fulfilled itself in the victory of its ideas, and will make the party-creed the new fundamental laws of the State created by the community of a people."

(iii) Since the "racial existence of man" is the only end valuable for its own sake, it follows that the social and political organization of a community is a means to this end and not something of intrinsic worth. It is impossible to enjoy the highest life without such social and political organization, without the State; but it is not, and cannot be the cause of the highest life—"the cause lies exclusively in the existence of a race qualified for civilization". Behind the State, behind the organized community, then, lies the racial existence of man, and these are the means by which it is preserved and advanced.

The first principle of the State must, therefore, be its racial unity. It belongs to the nature of a State, a politically and legally organized community, to be "a community of living beings, physically and mentally of the same species". And the primary task of preservation which falls to the State is the "maintenance of the racial characteristics" of the community. "States which do not serve this end are delusions, veritable abortions." It follows, then, that the excellence of a State is not to be determined simply by the level of its civilization or its power in the world, because it may happen that, at a given moment in history, a community careless of its racial integrity has reached a high level of civilization. This carelessness will, in the end, prove its ruin; but for the moment it is civilized and powerful. The excellence of a State must, rather, be judged by the thoroughness with which its organization is

directed towards the preservation of the racial integrity of the community.

The German people (*Volkstum*), according to Hitler's view, no longer rests upon a uniform racial core. Its blood has been poisoned and its soul contaminated. This has led to a disintegration of the community, and has caused it to "lose the domination of the world". But for this there might exist in the world a true peace "founded upon the victorious sword of a ruling people, seizing the world in the interest of a higher civilization". But there is one great advantage in the failure of the mixture of races in Germany to form a satisfactory racial fusion—Germany to-day possesses "great quantities of racially-pure Nordic-German men and women". And this gives a foundation upon which to build a true State, a State according to the *völkisch* ideal. For "the highest end of the *völkisch* State is care for the preservation of those basic racial factors which, as bestowers of civilization, create the beauty and the dignity of a higher humanity".

(iv) The *völkisch* philosophy of life implies the recognition of the differing quality of different races and stocks. And just as it leads us to assign different values to different races, it leads us also to assign different values to different individuals within a race or a people (*Volksgemeinschaft*). Neither individuals nor races can be compared with one another on a basis of equal value. And it is characteristic, says Hitler, of the liberal philosophy to neglect both those principles: in the name of "humanity" it abolished the distinctions of quality between races; in the name of "democracy" it abolished the distinctions of quality between individuals.

A given race or a given community consists, then, of individuals of different values; and it is the first business of the *völkisch* State to recognize this and build it as a principle into the social and political structure of the community.

The first and most obvious consequence of the recognition of the differing value of individuals will be the provision of opportunity for the best elements in the community to "breed apart from the rest"—the best elements being those which are recognized as "especially valuable on racial grounds". But there is a more important consequence than this; it is the rejection of the whole democratic conception of a community and the substitution for it of an aristocratic conception. The earth must be given to the most excellent people (race), and further, to the most excellent individuals within that people. The

principle of the *völkisch* State is the principle of "individuality" as against the principle of "majority".

Now this aristocratic principle of individuality is a "natural" principle; it is, indeed, a law of Nature which we forget at our peril. All change, all invention, all advance in living results from "the actions of specially clever individuals" and spreads from these to the race as a whole. "It is not the mass that invents nor the majority that organizes or thinks, but in all these activities always the single man, the individual." Consequently, a human society must be considered well organized only in so far as it is, in this matter, on the side of Nature, only in so far as it gives to the creative, inventive individual the scope that he needs, only in so far as it assists the emergence of creative individuals from the mass of men. Indeed, society is in its essence "the incorporation of the endeavour to set the individual above the mass and to organize the mass in subordination to the individual".

How can society assist nature in this matter? The relentless struggle for life itself is the principal agent for the selection of individuals who are specially valuable. But a society must be organized in such a way that the emergent individual shall be given his full value, shall be given what belongs to him, authority and responsibility. The model of such an organization is an army, where the idea of individuality is still supreme, of individual authority downwards and of responsibility to the superior individual upwards. The political community must abandon the false democratic principle of the majority for the great natural principle of individuality as exemplified in an army. And it is the work of the *völkisch* philosophy to recall the world to this neglected principle. For it, as for no other philosophy, "the best political constitution and the best kind of State is that which with the most natural certainty places the best individuals of the community in a position of leading importance and guiding influence". This principle of individuality must permeate the organization of the State from top to bottom. "The principle which in its time made the Prussian army the most wonderful instrument of the German people must at some future time be the decisive principle of the construction of our whole conception of the State: *authority of every leader downwards and responsibility upwards.*" Such a State requires an *élite* of Leaders; and this must be bred and educated. And just as the *völkisch* philosophy itself finds its first definite expression in the creed of a Party which is gradually extended to the community as a whole, so this principle of

individuality and leadership finds its first expression in the organization of a Party and is later applied to the State itself.

§ 4. NATIONAL SOCIALIST LABOUR SERVICE

The government of the Reich has decided upon the following law, which is promulgated hereby:

Article 1

(1) The Reich Labour Service is a service of honour to the German nation.

(2) All young Germans of both sexes must serve their nation in the Reich Labour Service.

(3) The Reich Labour Service is created to educate the German youth in the spirit of National Socialism so that it may acquire a true national community feeling, a true conception of labour and above all a proper respect for manual labour.

(4) The Reich Labour Service is organized for the carrying out of public welfare works.

Article 2

(1) The Reich Labour Service is under the jurisdiction of the Reichs Minister of the Interior. Under him the Reichs Labour Leader exercises supreme authority in the Reich Labour Service.

(2) The Reichs Labour Leader is at the head of the Reich administration of the Labour Service. He determines the organization, supervises the distribution of work and directs training and education.

Article 3

(1) The *Führer* and Chancellor of the Reich determines the number of people to be called annually for service, and he determines also the length of service.

(2) Obligation for service begins with the completion of the eighteenth year and ends with the completion of the twenty-fifth year.

(3) Those liable for compulsory service will, generally, be called for Reich Labour Service in the calendar year in which they complete their nineteenth year. Voluntary enrolment in the Reich Labour Service at an earlier age is possible.

(4) Those subject to compulsory service and those serving voluntarily are liable to imprisonment for not more than thirty days if they leave the Reich Labour Service in any ways other than those provided in Article 16.

Article 4

Those subject to compulsory service are drafted by the recruiting offices of the Reich Labour Service.

Article 5

(1) The following are excluded from Labour Service:

(*a*) Those who have been punished with penal servitude.

(*b*) Those who do not enjoy the rights of citizenship.

(*c*) Those subject to the measures for protection and reform set out in Article 42 (*a*) of the Criminal Code.

(*d*) Those who have been expelled from the National Socialist Labour Party because of dishonourable activities.

(*e*) Those who have been punished by court for treasonable activity.

(2) The Reichs Minister of the Interiormay make exceptions to (*c*) and (*e*) of § 1.

(3) Those subject to compulsory service in the Labour Service who have been deprived of eligibility to hold public offices may be called for service only after the expiration of the period of sentence.

Article 6

(1) No persons shall be called for the Labour Service who are completely unfitted for the Reich Labour Service.

(2) Those subject to compulsory Labour Service who live abroad, or who desire to go abroad for a long period, may be relieved of the duty of labour service for up to two years, in exceptional cases permanently, and in all cases for the period of the residence abroad.

Article 7

(1) No one shall be permitted to serve in the Reich Labour Service who is of non-Aryan descent or who is married to a person of non-Aryan descent. . . .

(2) Non-Aryans who by Article 15 § 2 of the Army Law have been declared worthy of military service may also be allowed to serve in the Reich Labour Service. They may not, however, become leaders in the Reich Labour Service.

Article 9

The provisions for the Labour Service duties of young women are subject to separate legal regulations.

Article 10

(1) The Members of the Reich Labour Service are:

(*a*) The permanent staff.

(*b*) Those recruited for Labour Service.

(*c*) Volunteers in the Labour Service.

(2) Persons may also be engaged by labour contracts for the performance of definite services.

Article 11

(1) The permanent staff consists of the regular leaders and officials and also candidates for these posts. The regular leaders and officials belong professionally to the Reich Labour Service.

(2) A candidate for the post of leader in the Reich Labour Service must, before he becomes a regular troop leader, give a written engagement to serve continuously for at least ten years and must supply proof of Aryan descent. He must also have completed his active service in the army.

(3) Regular leaders and officials are retired on the attainment of specific age limits.

(4) Officials of other departments who are transferred to the Reich Labour Service retain all the salary rights which they have already acquired.

(5) The *Führer* and Chancellor of the Reich appoints and dismisses all members of the Reich Labour Service from the rank of Work Leader upwards. All other members of the permanent staff are appointed and dismissed by the Reichs Minister of the Interior on the recommendation of the Reichs Labour Leader. He may devolve these powers upon the Reichs Labour Leader.

Article 12

(1) A regular leader or official may be dismissed from service at any time:

(*a*) In reasonable cases on his own request.

(*b*) If he no longer possesses the physical or intellectual powers necessary for the performance of his duties and if, in the view of the medical officer of the Labour Service, he cannot be expected to regain those powers within one year.

(*c*) If in the judgement of his superior leader he no longer possesses the capacity for the performance of his duties.

(2) Dismissal is compulsory if reasons barring membership of the Labour Service under Articles 5 or 7 are subsequently discovered.

Article 15

Members of the Reich Labour Service are subject to the discipline of the Reich Labour Service.

Article 17

(1) Members of the Reich Labour Service are not to engage in any active service in the National Socialist Labour Party or any of its affiliated organizations. This is not to prejudice their membership of the Party.

(2) Members of the Reich Labour Service must obtain permission before they solicit or exercise membership in organizations of any sort, as well as for the formation of organizations within or without the Reich Labour Service.

Article 18

Members of the Reich Labour Service must obtain permission before they marry.

Article 19

Members of the Reich Labour Service must obtain permission before they take over the direction of a business either for themselves or for the members of their family, as well as for accepting any additional occupation involving remuneration.

Article 20

(1) Members of the Reich Labour Service may refuse positions as guardian, co-guardian, trustee, adviser or any honorary activity in the Reich, state or municipality or in the party service.

(2) Permission must be obtained before such positions are assumed. Such permission may be denied only in exceptional cases.

Article 21

In case of sickness or accident members of the Reich Labour Service are entitled to free medical attention and nursing in accordance with separate regulations.

Article 22

Salaries of members of the Reich Labour Service are regulated by the salary decree of the Reich Labour Service.

Article 24

Pensions for persons injured in service, and for members of the permanent staff retiring after at least ten years' service and their survivors, are regulated by the Law of Pensions for the Reich Labour Service.

Article 25

(1) The *Führer* and Chancellor of the Reich, or any agent empowered by him, may permit retiring members of the Reich Labour Service to wear the uniform of the Reich Labour Service, subject to recall.

(2) This right may be granted only after honourable service of at least ten years.

From *The Law on Labour Service*, 26 *June* 1935

§ 5. RACE AND CITIZENSHIP

The Reichstag has unanimously adopted the following law which is hereby promulgated:

Article 1

(1) A subject of the State is he who belongs to the protective union of the German Reich and who, therefore, has specific obligations towards the Reich.

(2) The status of subject is acquired in accordance with the provisions of the Reich and State Law of Citizenship.

Article 2

(1) A citizen of the Reich is only that subject of the Reich who is of German or kindred blood and who, through his conduct, shows that he desires and is fit to serve faithfully the German people and the Reich.

(2) The right of citizenship is acquired by the granting of Reich citizenship papers.

(3) A citizen of the Reich alone enjoys full political rights in accordance with the laws.

Article 3

The Reichs Minister of the Interior, in conjunction with the Deputy of the *Führer*, will issue the necessary legal and administrative decrees for the carrying out and amplification of this law.

Reich Citizenship Law, 15 *September* 1935

Knowing that the purity of the German blood is the necessary condition of the continued existence of the German people, and inspired by the inflexible will to ensure the existence of the German people for all future times, the Reichstag has unanimously adopted the following law which is hereby promulgated:

Article 1

(1) Marriages between Jews and subjects of German or kindred blood are prohibited. Marriages contracted despite this law are invalid, even if they are concluded abroad in order to circumvent this law.

(2) Proceedings for annulment of marriages may be initiated only by the Public Prosecutor.

Article 2

Extra-marital relations between Jews and subjects of German or kindred blood are prohibited.

Article 3

Jews may not employ in domestic service female subjects of the Reich of German or kindred blood who are under the age of 45 years.

Article 4

(1) Jews are forbidden to display the Reich and national flag or to show the national colours.

(2) The display of the Jewish colours is permitted for them. The exercise of this right is protected by the State.

Article 5

(1) Whoever violates the provisions of *Article* 1 shall be punished with penal servitude.

(2) The man who acts in violation of *Article* 2 shall be punished with either imprisonment or penal servitude.

(3) Whoever acts in violation of *Articles* 3 *or* 4 shall be punished with imprisonment up to one year and with a fine or with either of these penalties.

From *The Law for the Protection of German Blood and Honour*, 15 *September* 1935

On the basis of *Article* 3 of the Reich Citizenship Law of 15 *September* 1935, the following is hereby decreed:

Article 1

(1) Until further provisions regarding citizenship papers are made, all subjects of German or kindred blood who possessed the right to vote in the Reichstag elections at the time when the Law of Citizenship came into effect shall for the time being possess the rights of Reich citizens. The same rights shall be enjoyed by those upon whom the Reichs Minister of the Interior and the Deputy of the *Führer* shall bestow citizenship.

(2) The Reichs Minister of the Interior, in conjunction with the Deputy of the *Führer*, may revoke citizenship.

Article 2

(1) The provisions of *Article* 1 shall apply also to subjects who are of mixed Jewish blood.

(2) A person of mixed Jewish blood is one who has one or two grandparents who are racially full Jews, in so far as he does not count as a Jew under § 2 of *Article* 5. Jewish grandparents shall be considered to be full-blooded Jews if they belonged to the Jewish religious community.

Article 3

Only citizens of the Reich, as enjoying full political rights, may vote in political affairs and may hold public office. . . .

Article 4

(1) A Jew cannot be a citizen of the Reich. He cannot exercise the right to vote; he cannot hold public office. . . .

Article 5

(1) A Jew is anyone who is descended from at least three grandparents who were racially full Jews. . . .

(2) A Jew is also one who is descended from two full-blooded Jewish grandparents if:

(*a*) He belonged to the Jewish religious community at the time when this law was decreed or joined the community subsequently.

(*b*) At the time when this law was issued he was married to a Jew or has subsequently married a Jew.

(*c*) He is the offspring of a marriage with a Jew in the sense of § 1, which was contracted after the coming into effect of the Law for the Protection of German Blood and Honour of 15 September 1935.

(*d*) He is the offspring of an extra-marital relationship with a Jew according to § 1, and will be born out of wedlock after 31 July 1936.

Article 7

The *Führer* and Chancellor of the Reich is empowered to release anyone from the provisions of these administrative decrees.

From *The Decree of* 14 *November* 1935

§ 6. THE HITLER YOUTH

The future of the German people depends upon its youth. The whole German youth must therefore be prepared for the performance of its future duties. The Reich government has, therefore, decided upon the following law which is hereby decreed:

Article 1. The whole German youth within the territory of the Reich is unified in the Hitler Youth.

Article 2. The whole German youth, outside their homes and schools, is to be educated in the Hitler Youth organization physically, spiritually and morally in the spirit of National Socialism and for the service of the nation and community.

Article 3. The duty of educating the whole German youth within the Hitler Youth organization is entrusted to the Reichs Youth Leader of the National Socialist Labour Party. He hereby becomes Youth Leader of the German Reich. He is given the status of a chief Reichs Officer with his seat in Berlin, and he is immediately responsible to the *Führer* and Chancellor of the Reich.

Article 4. The legal decrees and administrative orders necessary for carrying out and amplifying this law will be issued by the *Führer* and Chancellor of the Reich.

Law of 1 *December* 1936

§ 7. THE LAW OF LABOUR

§ 1. In any business the employer as the Leader (*Führer*) of the business, and the employees and labourers as Followers (*Gefolgschaft*), work in common for the promotion of the aims of the business and the common good of the People and the State.

§ 2. (i) The Leader of the business, as opposed to the Followers, decides all matters relating to the business in so far as they are regulated by this law.

(ii) He shall care for the well-being of the Followers; who shall observe towards him the loyalty that is implied in their being members of the community of the business.

§ 3. (i) In the case of Corporations and unincorporated firms, the legal representatives are the Leaders of the businesses.

(ii) The employer, or in the case of corporations and unincorporated firms the legal representatives, may appoint as deputy a person responsibly associated with the control of the business; this must happen if they do not control the business personally. They may also appoint another person to deal with matters of lesser importance.

(iii) If the Leader of the business is disqualified from being Leader by a Court of Honour under § 38, and when the disqualification has taken effect, a different Leader shall be appointed.

§ 5. (i) In a business of generally not less than twenty employees the Leader shall be supported and advised by Spokesmen (*Vertrauensmänner*) of the Followers. They form with him and under his guidance the Council of Trust (*Vertrauensrat*) of the business.

(ii) Followers within the meaning of the provisions concerning the Council of Trust include workers who pursue some branch of industry in their own works, if in the main they work for the purpose and at the risk of the same business whether alone or with members of their families.

§ 6. (i) It is the duty of the Council of Trust to deepen the mutual confidence within the community of the business.

(ii) It is the task of the Council of Trust to consider all measures tending to improve the work done, the arrangement and observance of

the general conditions of work, in particular the Rules and Regulations of the business, the observance and improvement of the safety precautions, the strengthening of the sense of loyalty of all members of the community of the business towards each other and towards the business itself and the welfare of all members of the community. The Council of Trust shall also endeavour to bring about a settlement of all disputes arising within the community of the business. It is to be heard before fines are imposed in accordance with the Rules and Regulations of the business.

(iii) The Council of Trust may delegate the execution of particular tasks to particular Spokesmen.

§ 8. A Spokesman must be a person who is at least twenty-five years old, who has belonged to the business or undertaking for at least one year, and who has been engaged for at least two years in the same or a related trade or branch of industry. He must possess civil rights, belong to the German Labour Front, be distinguished by exemplary qualities of character and be wholly dependable with regard to his willingness at all times unreservedly to uphold the national State. . . .

§ 9. (i) The Leader of the business, in consultation with the Head of the National Socialist Business Cell Organization, proposes in the March of each year a list of Spokesmen and their deputies. The Followers shall in due course express their opinion with regard to the list by a secret vote.

(ii) If the Leader of the business and the Head of the National Socialist Business Cell Organization do not reach agreement as to the Spokesmen and the deputies to be proposed, or if a Council of Trust fails to be formed for any other reason, in particular if the Followers do not approve of the list proposed, the Supervisor of Labour (*Treuhänder der Arbeit*) may appoint the requisite number of Spokesmen and deputies.

§ 10. (i) The members of the Council of Trust shall on National Labour Day (1st May) solemnly swear in the presence of the Followers that they will in the exercise of their offices subordinate selfish interests, serve only the welfare of the business and the community of the whole nation, and by their lives and the manner of their service afford examples to the members of the business.

§ 13. (i) The office of Spokesman is honorary and a remuneration for its exercise shall not be paid. The ordinary wage shall be paid for the loss of working-time involved in the execution of the necessary duties. Necessary expenses shall be paid by the management of the business.

(ii) The management of the business shall make the necessary arrangements and provide the necessary facilities for the Council of Trust to carry out its work properly. The Leader of the business is obliged to supply the Spokesman with such information as is necessary for carrying out their work.

§ 14. (i) The term of office of a Spokesman ceases, apart from voluntary resignation, with his leaving the business. The termination of a Spokesman's contract of work is inadmissible unless it is necessary because of the discontinuation of the business or of a department of the business, or takes place for a reason which justifies the termination of the contract of work without notice.

(ii) The Supervisor of Labour may remove a Spokesman on the ground of technical or personal unfitness. The term of office of a Spokesman who is removed shall cease with the written notification of the decision of the Supervisor of Labour to the Council of Trust.

(iii) The term of office of a Spokesman ceases also when sentences passed by a Court of Honour according to § 38 (2) to (5) take effect.

§ 16. The majority of the Council of Trust may immediately in writing appeal to the Supervisor of Labour against decisions made by the Leader of the business with regard to conditions of work, and in particular with regard to the Rules and Regulations of the business, if these decisions appear incompatible with the economic and social conditions of the business. The appeal shall not hinder the operation of the decisions of the Leader of the business.

§ 17. If several businesses, being economically or technically alike or in view of their objects connected, are under the control of one employer, he, or if he does not himself direct the enterprise, the Leader appointed by him, shall summon from the Councils of Trust of the several businesses an Advisory Council (*Beirat*), the purpose of which shall be to advise him in social matters.

§ 26. In every business in which normally not less than twenty employees and workmen are engaged the Leader shall issue in writing for the Followers the Rules and Regulations of the business (*Betriebsordnung*).

§ 27. (iii) The Rules and Regulations of the business may, apart from the provisions required by law, contain also provisions concerning the rate of pay or other regulations concerning work; they may also include rules regarding order in the business, the conduct of those engaged in it and for the avoidance of accidents.

§ 29. In so far as the Rules and Regulations of the business determine the wages payable to the workmen and employees, they shall contain minimum wage rates drawn up in such a way as to leave scope for the remuneration of individual members of the business according to the work done. Also generally speaking the possibility of a fitting reward to be given for special pieces of work is to be taken into account.

§ 30. The Rules and Regulations of the business shall be compulsory in the sense of providing minimum conditions for its members.

§ 32. (i) The Supervisor of Labour may, after consultation with a committee of experts (§ 23, (iii)), lay down guiding principles for the Rules and Regulations of businesses and individual labour contracts.

(ii) If it is necessary for the protection of those engaged in a group of businesses situated within the district controlled by a Supervisor of Labour that minimum conditions should be laid down with a view to regulating the conditions of work, the Supervisor of Labour may, after consultation with a committee of experts, in writing issue a scale of wages. . . . A scale of wages is compulsory as a minimum scale for the labour contracts which it covers. It shall override any provisions to the contrary in the Rules and Regulations of the businesses. . . .

(iii) The general principles and the scale of wages shall be published by the Supervisor of Labour.

§ 35. Every member of the community of a business shall be responsible for the conscientious fulfilment of the duties that belong to him by reason of his place in it. He shall by his conduct prove himself worthy of the respect which belongs to his place in the community of the business. In particular he should be constantly aware of his responsibility to devote his whole strength to the service of the business, and to subordinate himself to the common good.

§ 36. (i) Grave offences against the social duties implied in the community of a business shall be punished, as offences against social honour, by Courts of Honour. Offences of this character are committed if:

1. Employers, Leaders of businesses or other persons in authority by misuse of their superior position in the industry malevolently exploit the strength of the members of the Followers or offend their honour.
2. Members of the Followers endanger the peaceful relations obtaining in a business by malevolently inciting the Followers, in particular when Spokesmen knowingly and improperly interfere

with the control of the business or repeatedly and malevolently disturb the spirit of fellowship in the community of the business.

3. Members of the community of a business send repeatedly to the Supervisor of Labour ill-considered and unfounded complaints or requests, or persistently contravene his written instructions.
4. Members of the Council of Trust without authority reveal confidential information or industrial or business secrets which they have learned while fulfilling their special tasks and which they know to be secrets.

(iii) Civil Servants and Soldiers are not subject to the jurisdiction of the Courts of Honour.

§ 37. Prosecution by Courts of Honour of the offences against social honour described in § 36 is limited to a period of one year. This limitation commences from the day on which the offence was committed.

§ 38. The punishments that may be imposed by a Court of Honour are:

(1) Warning.
(2) Reprimand.
(3) A fine, up to R.M. 10,000.
(4) Disqualification from being Leader of a business or from holding the office of Spokesman.
(5) Removal from present occupation: the Court of Honour can in so doing prescribe a notice different from that required by law or by agreement.

§ 41. (i) Offences against social honour are tried, on the application of the Supervisor of Labour, by a Court of Honour which shall be established in each district controlled by a Supervisor of Labour.

(ii) The Court of Honour consists of a judicial officer, as President, who shall be appointed by the Reichs Minister of Justice in consultation with the Reichs Minister of Labour, a Leader of a business and Spokesmen as associates. Leaders of business and Spokesmen are to be chosen by the President of the Court of Honour from the list of nominees drawn up by the German Labour Front under § 23; they are to be chosen according to the order of the list, only in such a way that as far as possible persons shall be chosen who belong to the same kind of business as the accused.

§ 42. The associates before they undertake their duties shall swear before the President of the Court that they will conscientiously fulfil the obligations of their office.

§ 63. The provisions of Parts I to V [i.e. §§ 1 to 62] of this law shall not apply to employees and workmen of the State or of the Provinces in administration and business, of the State Bank, the State Railways, the enterprise of the *Reichsautobahnen*, municipalities and other corporations, establishments and other institutions coming under public law. As regards these, a special law will be enacted.

From *The Law for the Ordering of National Labour*,
20 *January* 1934

§ 8. BLUT AND BODEN

The Reichs Cabinet desire to preserve the peasantry as the source which keeps the blood of the German people vigorous, safeguarding at the same time old German usage in the matter of succession.

Farms shall be prevented from being encumbered with debts and split up in the course of succession, in order that they may remain constantly in the hands of free peasants as the inheritance of the clan.

A healthy distribution of free property is to be aimed at, since a great number of prosperous small and average-sized farms, spread over the whole country as evenly as possible, is the best guarantee of the healthiness of People and State.

The Reichs Cabinet therefore has decided on the following law. The principles of the law are:

Any rural property and forest of at least one field sufficient to afford a livelihood, and at most 309 acres, is a hereditary homestead if it belongs to a person qualified to be a Peasant.

The owner of the hereditary homestead is called Peasant.

A Peasant must be a German citizen, of German or closely related blood, and honourable.

The hereditary homestead passes to the principal heir undivided.

The rights of the co-heirs are confined to the remaining property of the Peasant. Descendants who are not principal heirs can obtain training and equipment in accordance with the means of the homestead; if they become destitute through no fault of their own, they will be given the shelter of the paternal roof.

The right of a principal heir cannot be set aside or restricted by will.

The hereditary homestead is essentially inalienable and unpledgeable.

The law is herewith published.

I. The Hereditary Homestead

§ 1. *Definition*

(i) Any rural property and forest, used as such, is a hereditary homestead if in respect of its size it fulfils the requirements of §§ 2 and 3, and if a person qualified to be a peasant has the sole ownership.

(ii) Farms, the regular use of which consists in letting them on lease, are not hereditary homesteads.

§ 2. *Minimum size*

(i) The hereditary homestead must be at least the size of a field sufficient to provide a livelihood.

(ii) A field sufficient to afford a livelihood means that amount of land which is necessary to provide a family with their food and clothes independently of the market and the general economic situation, and for maintaining the economic life of the hereditary homestead.

§ 3. *Maximum limit*

(i) The hereditary homestead must not exceed 309 acres.

(ii) It must be possible to manage it from a farm-house without outworks.

§ 7. *The hereditary homestead*

(i) The hereditary homestead comprises all fields belonging to the Peasant which are regularly managed from the farm-house, and the accessories belonging to the Peasant.

(ii) Fields temporarily let on lease or temporarily used in a similar way, e.g. set aside for the parents, are not for this reason excluded from the homestead.

§ 8. *Accessories of the homestead in particular*

(i) The accessories of the homestead comprise in particular such cattle, farming and household utensils, including linen and beds, as are on the farm for its cultivation, the existing manure and the stock of agricultural products used for cultivation.

(ii) In addition the accessories comprise documents relating to the homestead, family letters dating from earlier generations, pictures valuable as mementoes, horns and similar memorials relating to the homestead and the family of Peasants settled there.

II. The Peasant

§ 11. *Definition*

(i) No one but the owner of a hereditary homestead is called Peasant.

(ii) The owner or holder of other rural property and forests is called a farmer.

(iii) All other descriptions of owners or holders of rural property and forests are inadmissible.

§ 12. *Requirement of German citizenship*

A Peasant must possess German citizenship.

§ 13. *Requirement of German or closely related blood*

(i) A Peasant must be of German or closely related blood.

(ii) He among whose paternal or maternal ancestors there is Jewish or coloured blood is not of German or closely related blood.

(iii) The day from which the requirements of section (i) must be fulfilled is 1 January 1800. . . .

§ 14. *Exclusion through interdiction*

He who has been declared incapable of managing his affairs cannot be a Peasant, provided the appeal has been dismissed and the dismissal has taken effect or provided no appeal has been brought within the proper period.

§ 15. *The Peasant honourable and able*

(i) The Peasant must be honourable. He must be able to manage the homestead properly. Minority is no bar.

(ii) If the Peasant ceases to fulfil the requirements of section (i) or if he does not discharge his liabilities although with proper management this would be possible, the courts concerned with succession may, on the application of the provincial Leader of the Peasants, appoint the husband or wife of the Peasant or him who if the Peasant died would be the principal heir, permanently or temporarily to manage and use the hereditary homestead.

(iii) If there is no husband, wife or principal heir, or if they are not qualified to be Peasants, the court may, on the application of the Reichs Leader of the Peasants, transfer the ownership of the hereditary homestead to a person qualified to be a Peasant who shall be nominated

by the Reichs Leader of the Peasants. The Reichs Leader shall, if there are suitable relatives of the Peasant, nominate one of these.

(iv) The ownership of the hereditary homestead passes as soon as the resolution to transfer it takes legal effect. . . .

§ 16. *Effect of the loss of qualification to be a Peasant*

If the Peasant ceases to be qualified to be a Peasant, he may no longer call himself Peasant. His ownership of the homestead and the character of the farm as hereditary homestead are not thereby affected, except for the case described in § 15.

§ 17. *Common ownership. Legal personalities*

A hereditary homestead cannot belong to the joint property of a married couple nor can it in any other way be owned by several persons in common.

§ 18. *Decision of the court concerned with the succession about qualifications of a Peasant*

If it is doubtful whether a person is qualified to be a Peasant, the court concerned with succession shall decide on his application or on the application of the district Leader of the Peasants.

III. Succession of the Principal Heir

§ 19. *Succession to the hereditary homestead*

(i) On the death of the Peasant the hereditary homestead, as regards the law of succession and the division of inheritance, forms a special part of the inheritance.

(ii) The hereditary homestead by law vests in the principal heir undivided.

§ 20. *Order of principal heirs*

These are qualified to be principal heirs, in the following order:

(1) the sons of the deceased; if a son is dead, his place is filled by his sons and grandsons;

(2) the father of the deceased;

(3) the brothers of the deceased; if a brother is dead, his place is filled by his sons and grandsons;

(4) the daughters of the deceased; if a daughter is dead, her place is filled by her sons and grandsons;

(5) the sisters of the deceased; if a sister is dead, her place is filled by her sons and grandsons;

(6) the female descendants of the deceased and their descendants, in so far as they do not come under (4). He who is nearer the male line of the deceased excludes him who is farther. Apart from that a male descendant shall be preferred to a female.

§ 21. *Particular provisions regarding the order of principal heirs*

(i) He who is not qualified to be a Peasant shall be discounted as principal heir. The hereditary homestead vests in that person who would have been principal heir at the time when the owner died, if the discounted one had not lived.

(ii) A relative does not succeed as principal heir so long as there is a relative of a higher order.

(iii) Within the same order the decision shall be based on the right of the eldest or the right of the youngest according to the custom obtaining in the region. If there is no established custom, the right of the youngest shall be the basis. If it is doubtful whether or which custom exists, the court concerned with succession decides on the application of a person interested.

(iv) Of sons, the sons of the first wife precede the other sons. Of brothers or sisters those of the same parents precede half-brothers and half-sisters.

(v) Children recognized by later marriage are on the same footing as legitimate children born in wedlock. Legitimized children of the father are preceded by legitimate children in the same order. Illegitimate children of the mother are in any case preceded by legitimate children.

(vi) Adoptive children cannot succeed as principal heirs.

§ 24. *Testaments*

(i) The owner of a hereditary homestead cannot set aside or restrict the right of a principal heir by will.

§ 27. *Bearing the name of the homestead*

The owner of a hereditary homestead may lay down that the principal heir shall bear, in addition to his name, the name of the farm.

§ 30. *Providing for the descendants of the Peasant. Shelter of the paternal roof*

(i) The descendants of the deceased Peasant, as far as they are co-heirs or entitled by law to a portion of the inheritance, are fittingly maintained and educated on the farm till they attain majority.

(ii) They shall also be trained for an occupation in keeping with the position of the farm and, when they become independent or in the case of female descendants also when they marry, shall be equipped as far as the means of the farm allow; the equipment may in particular consist in furnishing means for procuring a piece of land for settlement.

(iii) If they become destitute without fault of their own, they may even later take shelter on the farm and shall, in return, adequately help with the work: shelter of the paternal roof. This right belongs also to the parents of the deceased peasant, if they are co-heirs or entitled by law to a portion of the inheritance.

IV. Restriction Imposed on Alienation and Pledging of the Hereditary Homestead

§ 37. *Alienation and pledging of the hereditary homestead*

(i) The hereditary homestead is essentially inalienable and unpledgeable. This rule does not apply to a disposition affecting accessories if it is made in the normal course of proper management.

§ 38. *Protection against execution*

(i) The hereditary homestead cannot be seized in the course of an execution taking place on account of a pecuniary debt.

V. The Authorities Dealing with Succession

§ 40. *Principle*

(i) In order to carry out the special tasks implied in this law there will be formed courts concerned with succession, courts concerned with hereditary homesteads and the Reichs Court concerned with hereditary homesteads.

§ 41. *The court concerned with succession*

(i) The courts concerned with succession are formed by the provincial board of justice, at each inferior court for its district. The provincial board of justice may fix the district in a different manner; it may in particular lay down that only one court concerned with succession shall be formed for several inferior courts.

(ii) The court concerned with succession consists of one judge as president, two more judges and two Peasants.

§ 44. *Appointments of Peasants as associates*

The Peasant-associates of the courts concerned with succession are nominated by the provincial Leader of the Peasants, the Peasant-

associates of the courts concerned with hereditary homesteads by the Reichs Leader of the Peasants; both are appointed by the provincial board of justice. In addition to the associates the requisite number of deputies shall be appointed.

§ 47. *The Reichs Court concerned with hereditary homesteads*

The organization, procedure, and seat of the Reichs Court concerned with hereditary homesteads are regulated by a decree of the Reichs Minister of Justice and the Reichs Minister of Food and Agriculture. It may be provided that the decisions of the Reichs Court concerned with hereditary homesteads need confirmation by the Reichs Minister of Food and Agriculture.

§ 57. *Immunity from estate duty and conveyance duty*

The principal heir need not pay any estate duty or conveyance duty for the passing of the hereditary homestead.

§ 60. *Provincial laws*

This law having taken effect, the provincial laws relating to succession are invalid.

From *The Reichs Law concerning Hereditary Homesteads*, *Berlin*, 29 *September* 1933

[A commentary on this law is provided by R. W. Darré, *Neuadel aus Blut und Boden*, 1934.]

§ 9. DICTATORSHIP AND PARTY

(i) LAW TO COMBAT THE MISERY OF THE PEOPLE AND REICH

The Reichstag has enacted the following law...which is hereby promulgated:

Article 1. National laws can be enacted by the Reichs cabinet as well as in accordance with the procedure established in the constitution...

Article 2. The Reich laws enacted by the Reichs cabinet may deviate from the constitution in so far as they do not affect the position of the Reichstag and the Reichrat. The powers of the President remain undisturbed.

Article 3. The Reich laws enacted by the Reichs cabinet are prepared by the Chancellor and published in the *Reichsgesetzblatt*....

Article 4. Treaties of the Reich with foreign states which concern matters of national legislation do not require the consent of bodies participating in legislation. The Reichs cabinet is empowered to issue the necessary provisions for the execution of these treaties.

Berlin, 24 *March* 1933

(ii) LAW PROHIBITING THE FORMATION OF NEW POLITICAL PARTIES

Article 1. The National Socialist German Workers' Party is the only political party in Germany.

Article 2. Whoever undertakes to maintain the organisation of another political party, or to form a new political party, is to be punished with imprisonment in a penitentiary up to three years or with confinement in a jail from six months to three years unless the act is punishable by a higher penalty under other provisions.

Berlin, 14 *July* 1933

(iii) LAW SAFEGUARDING THE UNITY OF PARTY AND THE STATE

Article 1. (i) After the victory of the National Socialist Revolution the N.S.D.A.P. has become the keystone (*Trägerin*) of the government and is inseparably connected with the State.

(ii) It is a corporation in public law. Its constitution is determined by the *Führer*.

Article 2. To secure the closest co-operation of services of the party with the public authorities, the deputy leader is a member of the Reichs cabinet.

Article 3. (i) Members of the N.S.D.A.P. and of the Storm Troops (including affiliated organisations) have, as the leading and moving power of the National Socialist State, increased duties towards the people and the State.

(ii) For violation and neglect of these duties the members are subject to special party and Storm Troop jurisdiction.

(iii) The Leader may extend these regulations to the members of other organisations.

Article 6. Public authorities must, within their power, give assistance to party and Storm Troop officials who are vested with party and Storm Troop jurisdiction in rendering justice and legal redress.

Article 7. The law governing penal authority over members of the Storm Troops and the Special Guards (S.S.) of 28 April 1933, is declared inoperative.

Berlin, 2 *December* 1933

(iv) ADOLF HITLER

The idea of National Socialism is embodied in the organisation and structure of the Party. The Party stands for political appreciation, political conscience, political endeavour....

Since the Party is called upon to form an organization through which a political élite of the nation shall be continuously recruited to all eternity, the Party is also in duty bound to ensure that the State be led on the ground of a stable philosophy. In fulfilment of this historical imperative, the Party must create an organisation that assures the stability of the leadership of the State by the right selection, training, and orientation of the leaders of the State. The Party must, in this, act on the principle that all Germans should be brought up in the doctrine of National Socialism; that the best National Socialists become members of the Party; that the best members of the Party take the lead in the State. Thus shall the organization of the Party provide the German State in the future with a supreme general leadership; thus shall its educational activities provide a foundation for this National Socialist State in a National Socialist Nation.

From the *Speech at the Nuremberg Party Congress*, *September*, 1935.

§ 10. CONSTITUTIONAL LAW AND JUSTICE

[The revolution in constitutional law and the administration of justice involved in the National Socialist doctrine is not the least important of its departures from Liberal Democratic principles. But it would have been difficult until recently to find any official account of these changes. The *Beamtenkalender* of 1937, however, gives a detailed description of the constitutional changes, and one important amend-

ment of the Penal Code indicates the influence of National Socialist ideas on the administration of justice. By itself this amendment is, perhaps, not highly important; and certainly it has not so far been applied except in a manner more or less innocuous to the rule of law. But it represents a tendency in the National Socialist doctrine to depart from the principle of government by settled law; and in so far as it encourages a judge to judge the law and not merely to judge according to the law it may, in time, produce more sweeping changes. This is specially to be expected in courts, such as the German Peoples' Courts, in which a high proportion of the judges are laymen. This amendment of the Penal Code comes after a considerable use by the regime of *ex post facto* laws, and establishes as a principle what was previously only a subterfuge for getting rid of the enemies of the regime.]

(i)

In the National Socialist conception of the State the task is not that of protecting the individual against the State. National Socialism, on the contrary, undertakes to defend the people as a whole against the individual, when and wherever his interests are not in harmony with the common weal....

Since there is, in the National Socialist State, no difference, let alone opposition, between the State as a separate legal structure and the totality of citizens and the individual citizen; since the State consists here of the totality of citizens, united in a common destiny by common blood and a common philosophy of life and comprised in a single organisation, it is neither necessary nor possible to define a sphere of freedom for the individual citizen as against the State. Hence also it is neither necessary nor possible to protect 'subjective rights' derived from such a sphere of freedom by means of constitutional law....

Our constitutional law is based on the National Socialist philosophy of life and is expressed in the general order of the Nation. So far as this general order is formulated in propositions, legal principles or programmatical statements, the supreme constitutional foundation of the Third Reich is laid down in the Party Programme....In addition to the Party Programme the basis of the structure of the State is provided by those laws of signal importance which are termed 'fundamental state laws' because they aim at realising the essential tenets of the National Socialist philosophy of life....

It goes without saying that laws dealing with, for example, the purity of blood, health etc., and those dealing with compulsory military service and labour service are to be regarded as fundamental laws. The totality of fundamental laws of the State is what we mean by 'the constitution'.

From the *Beamtenkalender*, 1937

(ii) AMENDMENT OF THE PENAL CODE

§ 2. Whoever performs an act which the law declares punishable or which, according to the fundamental principle of a penal code and healthy popular sentiment, deserves punishment, shall be punished.

If no definite penal law is immediately applicable to the act, the act shall be punished under the law which, according to the fundamental principle, applies to it most nearly.

Berlin, 28 *June* 1935

BOOK LIST

G. FEDER. *Hitler's Official Programme* (1934)

W. SOMBART. *A New Social Philosophy* (1937)

H. LICHTENBERGER. *The Third Reich* (English translation, 1938)

S. H. ROBERTS. *The House that Hitler Built* (1937)

L. PREUSS. Germanic Law *v.* Roman Law in National Socialist Legal Theory (*Journal of Comparative Legislation and International Law*, vol. XVI, 1934)

L. PREUSS. La Théorie Raciale et la doctrine politique de National-Socialisme (*Revue générale de Droit International public*, vol. XLI, 1934)

MANKIEWICZ. *Le Nationalsocialisme Allemand; ses doctrines et leurs réalisations* (1937)

F. L. SCHUMAN. *Hitler and the Nazi Dictatorship* (2nd ed. 1936)

APPENDIX

REPRESENTATIVE DEMOCRACY

APPENDIX

Since the first publication of this book numerous improvements have occurred to me. To introduce all of them would involve changes of arrangement too great to be undertaken at present. But it would be foolish not to take the opportunity of a reprint to remedy some of the more serious defects of the first section. I find that I have failed in that section to represent what must be regarded as two of the most important elements of the Democratic tradition and doctrine—government by law (that is, government as the administration of justice and not as the discretion of a ruler), and nationality. To find passages from the literature of Democracy to represent these principles is not an easy task. But for the first I have taken the *Déclaration des Droits de l'Homme et du Citoyen* (1789), which in any case is a document of sufficient importance in the history of Democratic doctrine to deserve inclusion; and for the second, J. S. Mill's chapter on Nationality from the *Considerations on Representative Government* (1861).

§ 1. RIGHTS AND DUTIES

(i)

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with inalienable rights; that among these rights are life, liberty, and the pursuit of happiness; that to secure those rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of those ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

From *The Declaration of Independence*, 4 *July* 1776

(ii)

The representatives of the people of France, formed into a National Assembly, considering that ignorance, neglect or contempt of human rights, are the sole causes of public misfortunes and corruptions of government, have resolved to set forth in a solemn declaration, these natural, sacred and inalienable rights: that this declaration being constantly present in the minds of the members of the community, they may be kept ever attentive of their rights and their duties; that the acts of the legislative and executive powers of government, being capable of being at all times compared with the end of political institutions, may be more respected; and also, that the future claims of citizens, being directed by simple and incontestable principles, may always tend to the maintenance of the Constitution and the general happiness.

For these reasons the National Assembly recognizes and declares, in the presence of the Supreme Being, and with the hope of his blessing and favour, the following sacred rights of men and citizens:

Article 1. Men are born and remain free and equal in respect of their rights. Civil distinctions, therefore, may be founded only on public utility.

Article 2. The end of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance of oppression.

Article 3. The source of all sovereignty resides essentially in the nation. No individual and no body of men is entitled to exercise any authority which is not expressly derived from it.

Article 4. Liberty consists in being able to do whatever does not injure another. Thus, the exercise of the natural rights of each man has no other limits than those that are necessary to secure the free exercise of the same rights by other members of the society. These limits may be determined only by law.

Article 5. The law ought to prohibit only actions hurtful to the society. What is not prohibited by law may not be hindered, and no one may be compelled to do that which the law does not require.

Article 6. Law is the expression of the will of the community. All citizens have a right to co-operate, either personally or through their representatives, in making it. It should be the same for all, whether it protects or punishes. All citizens, being equal in its sight, are equally eligible to all public honours, places and employments, according to their abilities, and without any other distinction than that created by their virtues and talents.

Article 7. No man may be accused, arrested or detained except in cases determined by law and according to the forms prescribed by law. All who solicit, promote, execute, or cause to be executed arbitrary decrees ought to be punished; but every citizen called upon, or apprehended by virtue of the law ought immediately to obey: he makes himself culpable by resistance.

Article 8. The law ought to impose only those penalties that are strictly and clearly necessary; and no one may be punished except under a law established and promulgated before the offence, and legally applied.

Article 9. Every man being presumed innocent until he has been convicted, should it be deemed necessary to arrest a man, all violence towards him beyond what is indispensable to apprehend him should be strictly repressed by the law.

Article 10. No man should be molested on account of his opinions, not even on account of his religious opinions, so long as his expression of them does not disturb the public order established by law.

Article 11. The free expression of thought and opinion is one of the most precious rights of man; every citizen may speak, write and publish freely, provided that he is responsible for the abuse of this liberty in cases determined by law.

Article 12. A public force is necessary to secure the rights of men and of citizens; this force is, consequently, instituted for the benefit of all and not for the particular advantage of those to whom it is entrusted.

Article 13. A common contribution is necessary for the maintenance of this force and for meeting the expenses of government; it should be levied equally on all citizens, in proportion to their means.

Article 14. All citizens have a right, either personally or by their representatives, to establish the need for the public contribution, to vote it freely, to appropriate it, to determine its amount, its mode of assessment, its collection and its duration.

Article 15. The community has a right to demand of every public servant an account of his administration.

Article 16. Every society in which the security of rights is not assured nor the separation of the powers of government established, lacks a constitution.

Article 17. Property being an inviolable and sacred right, no man may be deprived of his possessions, except in cases of evident and urgent public necessity established by law, and on condition of a just and previously determined indemnity.

Déclaration des Droits de l'Homme et du Citoyen, August, 1789

§ 2. NATIONALITY

JOHN STUART MILL

A portion of mankind may be said to constitute a Nationality if they are united among themselves by common sympathies which do not exist between them and any others—which make them co-operate with each other more willingly than with other people, desire to be under the same government, and desire that it should be government by themselves or a portion of themselves exclusively. This feeling of nationality may have been generated by various causes. Sometimes it is the effect of identity of race and descent. Community of language, and community of religion, greatly contribute to it. Geographical limits are one of its causes. But the strongest of all is identity of political antecedents; the possession of a national history, and consequent community of recollections; collective pride and humiliation, pleasure

and regret, connected with the same incidents in the past. None of these circumstances, however, are either indispensable, or necessarily sufficient by themselves. Switzerland has a strong sentiment of nationality, though the cantons are of different races, different languages, and different religions. Sicily has, throughout history, felt itself quite distinct in nationality from Naples, notwithstanding identity of religion, almost identity of language, and a considerable amount of common historical antecedents. The Flemish and the Walloon provinces of Belgium, notwithstanding diversity of race and language, have a much greater feeling of common nationality than the former have with Holland, or the latter with France. Yet in general the national feeling is proportionally weakened by the failure of any of the causes which contribute to it. Identity of language, literature, and, to some extent, of race and recollections, have maintained the feeling of nationality in considerable strength among the different portions of the German name, though they have at no time been really united under the same government; but the feeling has never reached to making the separate states desire to get rid of their autonomy. Among Italians an identity far from complete, of language and literature, combined with a geographical position which separates them by a distinct line from other countries, and, perhaps more than everything else, the possession of a common name, which makes them all glory in the past achievements in arts, arms, politics, religious primacy, science, and literature, of any who share the same designation, give rise to an amount of national feeling in the population which, though still imperfect, has been sufficient to produce the great events now passing before us, notwithstanding a great mixture of races, and although they have never, in either ancient or modern history, been under the same government, except while that government extended or was extending itself over the greater part of the known world.

Where the sentiment of nationality exists in any force, there is a *prima facie* case for uniting all the members of the nationality under the same government, and a government to themselves apart. This is merely saying that the question of government ought to be decided by the governed. One hardly knows what any division of the human race should be free to do if not to determine with which of the various collective bodies of human beings they choose to associate themselves. But, when a people are ripe for free institutions, there is a still more vital consideration. Free institutions are next to impossible in a country

made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist. The influences which form opinions and decide political acts are different in the different sections of the country. An altogether different set of leaders have the confidence of one part of the country and of another. The same books, newspapers, pamphlets, speeches, do not reach them. One section does not know what opinions, or what instigations, are circulating in another. The same incidents, the same acts, the same system of government, affect them in different ways; and each fears more injury to itself from the other nationalities than from the common arbiter, the state. Their mutual antipathies are generally much stronger than jealousy of the government. That any one of them feels aggrieved by the policy of the common ruler is sufficient to determine another to support that policy. Even if all are aggrieved, none feel that they can rely on the others for fidelity in a joint resistance; the strength of none is sufficient to resist alone, and each may reasonably think that it consults its own advantage most by bidding for the favour of the government against the rest. Above all, the grand and only effectual security in the last resort against the despotism of the government is in that case wanting: the sympathy of the army with the people. The military are the part of every community in whom, from the nature of the case, the distinction between their fellow-countrymen and foreigners is the deepest and strongest. To the rest of the people foreigners are merely strangers; to the soldier, they are men against whom he may be called, at a week's notice, to fight for life or death. The difference to him is that between friends and foes—we may almost say between fellow-men and another kind of animals: for as respects the enemy, the only law is that of force, and the only mitigation the same as in the case of other animals—that of simple humanity. Soldiers to whose feelings half or three-fourths of the subjects of the same government are foreigners will have no more scruple in mowing them down, and no more desire to ask the reason why, than they would have in doing the same thing against declared enemies. An army composed of various nationalities has no other patriotism than devotion to the flag. Such armies have been the executioners of liberty through the whole duration of modern history. The sole bond which holds them together is their officers and the government which they serve; and their only idea, if they have any, of public duty is obedience to orders. A

government thus supported, by keeping its Hungarian regiments in Italy and its Italian in Hungary, can long continue to rule in both places with the iron rod of foreign conquerors.

If it be said that so broadly marked a distinction between what is due to a fellow-countryman and what is due merely to a human creature is more worthy of savages than of civilised beings, and ought, with the utmost energy, to be contended against, no one holds that opinion more strongly than myself. But this object, one of the worthiest to which human endeavour can be directed, can never, in the present state of civilisation, be promoted by keeping different nationalities of anything like equivalent strength under the same government. In a barbarous state of society the case is sometimes different. The government may then be interested in softening the antipathies of the races that peace may be preserved and the country more easily governed. But when there are either free institutions or a desire for them, in any of the peoples artificially tied together, the interest of the government lies in an exactly opposite direction. It is then interested in keeping up and envenoming their antipathies that they may be prevented from coalescing, and it may be enabled to use some of them as tools for the enslavement of others. The Austrian Court has now for a whole generation made these tactics its principal means of government; with what fatal success, at the time of the Vienna insurrection and the Hungarian contest, the world knows too well. Happily there are now signs that improvement is too far advanced to permit this policy to be any longer successful.

For the preceding reasons, it is in general a necessary condition of free institutions that the boundaries of governments should coincide in the main with those of nationalities. But several considerations are liable to conflict in practice with this general principle. In the first place, its application is often precluded by geographical hindrances. There are parts even of Europe in which different nationalities are so locally intermingled that it is not practicable for them to be under separate governments. The population of Hungary is composed of Magyars, Slovacks, Croats, Serbs, Roumans, and in some districts Germans, so mixed up as to be incapable of local separation; and there is no course open to them but to make a virtue of necessity, and reconcile themselves to living together under equal rights and laws. Their community of servitude, which dates only from the destruction of Hungarian independence in 1849, seems to be ripening and disposing them

for such an equal union. The German colony of East Prussia is cut off from Germany by part of the ancient Poland, and being too weak to maintain separate independence, must, if geographical continuity is to be maintained, be either under a non-German government, or the intervening Polish territory must be under a German one. Another considerable region in which the dominant element of the population is German, the provinces of Courland, Esthonia, and Livonia, is condemned by its local situation to form part of a Slavonian state. In Eastern Germany itself there is a large Slavonic population: Bohemia is principally Slavonic, Silesia and other districts partially so. The most united country in Europe, France, is far from being homogeneous: independently of the fragments of foreign nationalities at its remote extremities, it consists, as language and history prove, of two portions, one occupied almost exclusively by a Gallo-Roman population, while in the other the Frankish, Burgundian, and other Teutonic races form a considerable ingredient.

When proper allowance has been made for geographical exigencies, another more purely moral and social consideration offers itself. Experience proves that it is possible for one nationality to merge and be absorbed in another: and when it was originally an inferior and more backward portion of the human race the absorption is greatly to its advantage. Nobody can suppose that it is not more beneficial to a Breton, or a Basque of French Navarre, to be brought into the current of the ideas and feelings of a highly civilised and cultivated people—to be a member of the French nationality, admitted on equal terms to all the privileges of French citizenship, sharing the advantages of French protection, and the dignity and prestige of French power—than to sulk on his own rocks, the half-savage relic of past times, revolving in his own little mental orbit, without participation or interest in the general movement of the world. The same remark applies to the Welshman or the Scottish Highlander as members of the British nation.

Whatever really tends to the admixture of nationalities, and the blending of their attributes and peculiarities in a common union, is a benefit to the human race. Not by extinguishing types, of which, in these cases, sufficient examples are sure to remain, but by softening their extreme forms, and filling up the intervals between them. The united people, like a crossed breed of animals (but in a still greater degree, because the influences in operation are moral as well as physical), inherits the special aptitudes and excellences of all its progenitors, pro-

tected by the admixture from being exaggerated into the neighbouring vices. But to render this admixture possible, there must be peculiar conditions. The combinations of circumstances which occur, and which effect the result, are various.

The nationalities brought together under the same government may be about equal in numbers and strength, or they may be very unequal. If unequal, the least numerous of the two may either be the superior in civilisation, or the inferior. Supposing it to be superior, it may either, through that superiority, be able to acquire ascendancy over the other, or it may be overcome by brute strength and reduced to subjection. This last is a sheer mischief to the human race, and one which civilised humanity with one accord should rise in arms to prevent. The absorption of Greece by Macedonia was one of the greatest misfortunes which ever happened to the world: that of any of the principal countries of Europe by Russia would be a similar one.

If the smaller nationality, supposed to be the more advanced in improvement, is able to overcome the greater, as the Macedonians, reinforced by the Greeks, did Asia, and the English India, there is often a gain to civilisation: but the conquerors and the conquered cannot in this case live together under the same free institutions. The absorption of the conquerors in the less advanced people would be an evil: these must be governed as subjects, and the state of things is either a benefit or a misfortune, according as the subjugated people have or have not reached the state in which it is an injury not to be under a free government, and according as the conquerors do or do not use their superiority in a manner calculated to fit the conquered for a higher stage of improvement. . . .

When the nationality which succeeds in overpowering the other is both the most numerous and the most improved; and especially if the subdued nationality is small, and has no hope of reasserting its independence; then, if it is governed with any tolerable justice, and if the members of the more powerful nationality are not made odious by being invested with exclusive privileges, the smaller nationality is gradually reconciled to its position, and becomes amalgamated with the larger. No Bas-Breton, nor even any Alsatian, has the smallest wish at the present day to be separated from France. If all Irishmen have not yet arrived at the same disposition towards England, it is partly because they are sufficiently numerous to be capable of constituting a respectable nationality by themselves; but principally because, until of

late years, they had been so atrociously governed, that all their best feelings combined with their bad ones in rousing bitter resentment against the Saxon rule. This disgrace to England, and calamity to the whole empire, has, it may be truly said, completely ceased for nearly a generation. No Irishman is now less free than an Anglo-Saxon, nor has a less share of every benefit either to his country or to his individual fortunes than if he were sprung from any other portion of the British dominions. The only remaining real grievance of Ireland, that of the State Church, is one which half, or nearly half, the people of the larger island have in common with them. There is now next to nothing, except the memory of the past, and the difference in the predominant religion, to keep apart two races, perhaps the most fitted of any two in the world to be the completing counterpart of one another. The consciousness of being at last treated not only with equal justice but with equal consideration is making such rapid way in the Irish nation as to be wearing off all feelings that could make them insensible to the benefits which the less numerous and less wealthy people must necessarily derive from being fellow-citizens instead of foreigners to those who are not only their nearest neighbours, but the wealthiest, and one of the freest, as well as most civilised and powerful, nations of the earth.

The cases in which the greatest practical obstacles exist to the blending of nationalities are when the nationalities which have been bound together are nearly equal in numbers and in the other elements of power. In such cases, each, confiding in its strength, and feeling itself capable of maintaining an equal struggle with any of the others, is unwilling to be merged in it: each cultivates with party obstinacy its distinctive peculiarities; obsolete customs, and even declining languages, are revived to deepen the separation; each deems itself tyrannised over if any authority is exercised within itself by functionaries of a rival race; and whatever is given to one of the conflicting nationalities is considered to be taken from all the rest. When nations, thus divided, are under a despotic government which is a stranger to all of them, or which, though sprung from one, yet feeling greater interest in its own power than in any sympathies of nationality, assigns no privilege to either nation, and chooses its instruments indifferently from all; in the course of a few generations, identity of situation often produces harmony of feeling, and the different races come to feel towards each other as fellow-countrymen; particularly if they are dispersed over the same tract of country. But if the era of aspiration to free government arrives before

this fusion has been effected, the opportunity has gone by for effecting it. From that time, if the unreconciled nationalities are geographically separate, and especially if their local position is such that there is no natural fitness or convenience in their being under the same government (as in the case of an Italian province under a French or German yoke), there is not only an obvious propriety, but, if either freedom or concord is cared for, a necessity, for breaking the connection altogether. There may be cases in which the provinces, after separation, might usefully remain united by a federal tie: but it generally happens that if they are willing to forgo complete independence, and become members of a federation, each of them has other neighbours with whom it would prefer to connect itself, having more sympathies in common, if not also greater community of interest.

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